

REMARKS

The following remarks are submitted to be fully responsive to the Office Action mailed September 15, 2006. It is further submitted that this response is timely filed within the three-month shortened-statutory period as extended by the one-month extension of time filed herewith. A check in the amount of \$120 is enclosed for the one-month extension of time fee. No other fee is believed necessary. However, should any additional fee be required, the Commissioner is authorized to charge Kagan Binder Deposit Account No. 50-1775 and thereafter notify us of the same. Reconsideration of all outstanding grounds of the rejection and allowance of the subject application are believed in order and respectfully requested.

The Examiner has rejected claims 13-15 as being unpatentable over Speed (GB 1572906), and Barker (USP 3859,233). However, the Examiner has indicated that claims 13-15 would be allowable if amended to particularly recite the grout composition of claim 1. Having now so amended claim 13, from which claims 14 and 15 depend, Applicant believes that this rejection is rendered moot. Withdrawal of the same is requested.


The Examiner has also rejected claims 1, 7 and 8-12 on the ground of non-statutory double patenting over claims 1, 4 and 11 of USP 7005,462. In response, Applicants representatives have enclosed herewith a terminal disclaimer over USP 7005,462. As also indicated by the Examiner, it is believed that the submission of the terminal disclaimer overcomes this rejection, and further renders claims 1-3 and 5-12 allowable. Notice to that effect is earnestly solicited.

In the event that a phone conference between the Examiner and the undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the attorney at (651) 275-9809.

Respectfully Submitted,

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By:



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